

Message Text

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ORIGIN ARA-06

INFO OCT-01 SS-14 ISO-00 NSC-05 NSCE-00 INR-05 CIAE-00 L-01

SP-02 H-01 SCA-01 /036 R

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P 182336Z NOV 75

FM SECSTATE WASHDC

TO AMEMBASSY SAN JOSE PRIORITY

C O N F I D E N T I A L STATE 273138

LIMDIS

E.O. 11652: GDS

TAGS: PFOR, PGOV, CS

SUBJECT: VESCO -PLANS TO ABROGATE VESCO LAW

REF: SAN JOSE 4789

1. DEPARTMENT DOES NOT FEEL QUALIFIED TO COMMENT ON PROS OR CONS OF RELIANCE ON BUSTAMANTE CODE IN ABSENCE OF AN EXTRADITION TREATY, AS US HAS NOT ADHERED TO THE CODE. AT ANY RATE THIS QUESTION DOES NOT AFFECT EXTRADITION BETWEEN THE UNITED STATES AND COSTA RICA AS THERE IS AN EXTRADITION TREATY IN FORCE. WITH REGARD TO ABROGATING THE PRESENT LAW IT WOULD APPEAR THAT THIS COULD BE DONE IN SUCH A WAY AS TO EITHER (1) RETURN TO THE 1971 LAW OR (2) ABROGATE ALL DOMESTIC EXTRADITION LEGISLATION IN FAVOR OF STRICT RELIANCE ON THE BILATERAL TREATY. EITHER ONE OF THESE TWO ALTERNATIVES IS PREFERABLE TO THE CURRENT SITUATION AND YOU MAY WISH TO STATE THIS OPINION TO THE PRESIDENT.

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2. F.Y.I. CURRENT TREATY HOWEVER, IS OUT OF DATE AND

SHOULD BE RE-NEGOTIATED AND RELIANCE ON IT DOES, OF COURSE, PRESENT SOME PROBLEMS. CHIEF OF WHICH IS ARTICLE 1 PROVISION REQUIRING PRESENCE OF FUGITIVE WITHIN "JURISDICTION" OF REQUESTING STATE WHEN CRIME WAS COMMITTED. IN THIS CONNECTION DEPARTMENT SENT TEXT OF

SUGGESTED NEW TREATY TO COSTA RICA FOREIGN OFFICE IN NOVEMBER, 1973 BUT HAS NOT HAD RESPONSE FROM GOCR TO DATE. END F.Y.I. A FURTHER COMPLICATION, AS FONMIN FACIO POINTED OUT SUBSEQUENT TO 1973 EXTRADITION ATTEMPT (SAN JOSE 2789 OF AUGUST 4, 1973) IS THAT THAT CASE SET A COURT PRECEDENT IN COSTA RICA WHICH WOULD SEEM TO REQUIRE SUBMISSION OF FULL DOCUMENTATION PRIOR TO GRANTING OF PROVISIONAL ARREST AND REQUIRE THAT CRIME FOR WHICH EXTRADITION IS REQUESTED BE SPECIFICALLY LISTED IN THE TREATY. THIS RULING IS, OF COURSE, OPEN TO INTERPRETATION BUT IS A CAUSE OF CONCERN. YOU MAY ALSO WISH TO MENTION PROBLEMS CREATED BY THIS COURT DECISION TO THE PRESIDENT.

3. DEPARTMENT WONDERS WHAT THE DIFFERENCE IS BETWEEN THE ODUBER PROPOSAL AND THE CONTENTS OF THE MINORITY BILL CURRENTLY IN THE ASSEMBLY. COULD NOT THE PRESIDENT OBTAIN THE SAME OBJECTIVE BY INSTRUCTING PLN DELEGATES TO SUPPORT THE MINORITY MOVE TO GIVE THIS BILL PRIORITY CONSIDERATION DURING THIS SESSION? YOU MAY, AT YOUR DISCRETION, WISH TO POSE THIS QUESTION AS WELL.

4. DEPARTMENT WHOLEHEARTEDLY CONCURS THAT COMMENTS BE MADE IN ORAL FORM. INGERSOLL

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, EXTRADITION AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 18 NOV 1975
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE273138
Document Source: CORE
Document Unique ID: 00
Drafter: MMBOVA:HLB
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750402-0105
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751135/aaaabfac.tel
Line Count: 91
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: LIMDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: LIMDIS
Reference: 75 SAN JOSE 4789
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 09 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 SEP 2003 by BoyleJA>; APPROVED <12 NOV 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: VESCO -PLANS TO ABROGATE VESCO LAW
TAGS: PFOR, PGOV, CS, US, (VESCO, ROBERT)
To: SAN JOSE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006